
A BILL FOR AN ACT

RELATING TO PROCUREMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 103, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§103- Public works construction; preferences. (a) A governmental body, as defined in section 103D-104, that, under this chapter or chapter 103D, enters into a public works contract having an estimated value of not less than \$250,000, shall decrease the bid amount of a bidder by five per cent for each preference under paragraphs (1) to (4) for which the bidder meets the criteria specified:

(1) A documented history indicating zero incidences of noncompliance by the contractor, subcontractor, or the executive management of the contractor or subcontractor, with applicable federal, state, and local labor, wage, health, safety, and environmental protection laws;

1 (2) A documented history indicating zero incidences of
2 noncompliance by the contractor, subcontractor, or the
3 executive management of the contractor or
4 subcontractor, with government agencies, unions, and
5 other agencies or bodies that perform regular
6 inspections of construction sites and relevant
7 records;

8 (3) A record of zero outstanding judgments or liens
9 against the contractor, subcontractor, or the
10 executive management of the contractor or
11 subcontractor; and

12 (4) An audited statement indicating that no project
13 revenues derived from government tax revenues will be
14 exported out-of-state through foreign ownership or
15 employees of the contractor or subcontractor.

16 (b) Should more than one preference allowed by statute
17 apply, the evaluated price shall be based on the application of
18 all applicable preferences. The sum of the preferences shall be
19 subtracted from the original contract price.

20 (c) The lowest total bid, taking into consideration all
21 applicable preferences in this section and the preference
22 awarded for participation in an apprenticeship program under

1 Act 17, First Special Session Laws of Hawaii 2009, shall be
2 awarded the contract unless the invitation for bids provides for
3 additional award criteria. The contract amount awarded shall be
4 the amount of the original contract price offered, exclusive of
5 any applied preference.

6 (d) At the time of submission of a competitive sealed bid
7 or a competitive sealed proposal by a bidder, the bidder shall
8 furnish written proof of eligibility for each claimed preference
9 and, if awarded the contract, shall continue to certify monthly
10 in writing that the bidder or offeror remains eligible for each
11 claimed preference for the entire duration of the bidder's work
12 on the project. This subsection shall be deemed to be
13 incorporated into a public works contract.

14 (e) A bidder who is awarded a contract shall be subject to
15 the following sanctions if, after commencement of work, the
16 bidder at any time during the construction is no longer eligible
17 for any claimed preference:

18 (1) Temporary or permanent cessation of work on the
19 project, without recourse to breach of contract claims
20 by the bidder; provided that the governmental body
21 that entered into the contract shall be entitled to

1 restitution for nonperformance or liquidated damages,
2 as appropriate; or

3 (2) Proceedings to debar or suspend under section
4 103D-702.

5 (f) For purposes of this section, "bidder" means an entity
6 that submits a competitive sealed bid under section 103D-302 or
7 submits a competitive sealed proposal under section 103D-303."

8 SECTION 2. The Hawaii Revised Statutes is amended by
9 adding a new part to chapter 103D to be appropriately designated
10 and to read as follows:

11 **"PART . RESPONSIBLE CONSTRUCTION CONTRACTOR LAW**

12 **§103D-A Applicability.** This part shall apply to public
13 works contracts under chapter 103 and to procurements for
14 construction under this chapter, if the general contract amount
15 is \$250,000 or more, and to any subcontract of \$50,000 or more
16 in connection with any general contract. The requirements of
17 this part shall be incorporated by reference into every
18 invitation for bids to which this part is applicable.

19 **§103D-B Prerequisites for award of contract.** (a) A
20 contractor who submits a bid for a contract for construction
21 shall show proof of compliance with subsection (c) to the
22 comptroller or county counterpart for contracts under chapter

1 103, or to the procurement officer for contracts under this
2 chapter, as applicable, as a prerequisite to being awarded a
3 construction contract; provided that the requirements of this
4 subsection shall be deemed incorporated by reference in any
5 contract between the contractor and subcontractor.

6 (b) A subcontractor who subcontracts with a contractor
7 submitting a bid under subsection (a) to perform work under the
8 contract shall show proof of compliance with subsection (c) to
9 the comptroller or county counterpart for contracts under
10 chapter 103 or to the procurement officer for contracts under
11 this chapter, as a prerequisite to being awarded a subcontract;
12 provided that the contractor shall be primarily responsible for
13 presentation of the show of proof under this subsection; and
14 provided further that the requirements of this subsection shall
15 be deemed incorporated by reference in any contract between the
16 contractor and subcontractor.

17 (c) As a prerequisite to the award of any contract under
18 this chapter or chapter 103, a contractor or subcontractor, as
19 applicable, shall:

20 (1) Classify all workers of the contractor or
21 subcontractor as employees;

- 1 (2) Adhere to proper job classifications for all laborers
2 and mechanics employed as workers by the contractor or
3 subcontractor;
- 4 (3) Comply with the requirements of section 103-55.5 by
5 certifying compliance with the prevailing wage and
6 overtime requirements of section 104-2 and all other
7 applicable federal and state laws relating to workers'
8 compensation, unemployment compensation, payment of
9 wages, and safety;
- 10 (4) Provide prepaid health care benefits to all employees
11 in compliance with chapter 393;
- 12 (5) Provide reasonable paid sick leave to all employees;
- 13 (6) Provide records indicating the history of compliance
14 of the contractor or subcontractor and the contractor
15 or subcontractor's executive management with all
16 applicable federal, state, and local labor, wage,
17 health, safety, and environmental protection laws;
- 18 (7) Provide records indicating the contractor or
19 subcontractor's record of compliance with government
20 agencies, unions, and other agencies or bodies that
21 perform regular inspections of construction sites and
22 relevant records;

- 1 (8) Provide employees with a fair and neutral process for
2 resolving work-related issues that does not force the
3 employee to waive statutory remedies and rights;
- 4 (9) Secure and maintain appropriate licensure for the
5 contractor and all subcontractors;
- 6 (10) Provide documentation of any past or outstanding
7 judgments or liens against the contractor or
8 subcontractor and the contractor or subcontractor's
9 executive management, along with documentation of
10 steps taken to satisfy those judgments or liens;
- 11 (11) Provide documentation of financial stability necessary
12 for a determination under section 103D-310(b) that the
13 contractor or subcontractor has the financial ability,
14 resources, skills, capability, and business integrity
15 necessary to perform the contracted work;
- 16 (12) Provide documentation of the contractor or
17 subcontractor's ability to provide security as
18 required under sections 103D-323 and 103D-324;
- 19 (13) Provide an audited statement of the percentage of
20 total project revenues derived from government tax
21 revenues that will be exported out-of-state through

1 foreign ownership or employees of the contractor or
2 subcontractor; and

3 (14) Provide references from all government agencies for
4 which the contractor or subcontractor has previously
5 performed work.

6 **§103D-C Compliance duration; compliance officer.** Each
7 contractor and subcontractor shall:

8 (1) Comply with section 103D-B for the entire duration of
9 the contract of construction;

10 (2) Certify compliance with section 103D-B, under oath, by
11 an officer of the contractor or subcontractor,
12 respectively, to the comptroller, county counterpart,
13 or procurement officer, as applicable, on a monthly
14 basis;

15 (3) Maintain compliance with all applicable local, state,
16 and federal laws relating to labor, wages, health,
17 safety, and environmental protection; and

18 (4) Take reasonable steps toward satisfying any
19 outstanding judgments or liens against the contractor,
20 subcontractor, and the contractor or subcontractor's
21 executive management.

1 **§103D-D Failure to comply; sanctions.** A contractor who
2 submits a bid under section 103D-B(a) or a subcontractor who
3 agrees to subcontract under a contract referenced in section
4 103D-B(a) and who fails to comply with section 103D-B, shall be
5 subject to sanctions, which shall include any or all of the
6 following, at the discretion of the comptroller, county
7 counterpart, or procurement officer, as applicable:

8 (1) Temporary suspension of work on the project until the
9 contractor or subcontractor complies with section
10 103D-B;

11 (2) Withholding of payment on the contract or subcontract,
12 as applicable, until the contractor or subcontractor
13 complies with section 103D-B;

14 (3) Permanent disqualification of the contractor or
15 subcontractor from any further work on the project;

16 (4) Recovery by the State or county, as applicable, of any
17 moneys expended on the contract or subcontract, as
18 applicable; and

19 (5) Proceedings for debarment or suspension of the
20 contractor or subcontractor under section 103D-702."

21 SECTION 3. Section 103D-102, Hawaii Revised Statutes, is
22 amended by amending subsection (b) to read as follows:

SB2062 SD1.DOC

SB2062 SD1.DOC

SB2062 SD1.DOC

1 "(b) Notwithstanding subsection (a), this chapter shall
2 not apply to contracts by governmental bodies:

3 (1) Solicited or entered into before July 1, 1994, unless
4 the parties agree to its application to a contract
5 solicited or entered into prior to July 1, 1994;

6 (2) To disburse funds, irrespective of their source:

7 (A) For grants or subsidies as those terms are
8 defined in section 42F-101, made by the State in
9 accordance with standards provided by law as
10 required by article VII, section 4, of the State
11 Constitution; or by the counties pursuant to
12 their respective charters or ordinances;

13 (B) To make payments to or on behalf of public
14 officers and employees for salaries, fringe
15 benefits, professional fees, or reimbursements;

16 (C) To satisfy obligations that the State is required
17 to pay by law, including paying fees, permanent
18 settlements, subsidies, or other claims, making
19 refunds, and returning funds held by the State as
20 trustee, custodian, or bailee;

21 (D) For entitlement programs, including public
22 assistance, unemployment, and workers'

1 compensation programs, established by state or
2 federal law;

3 (E) For dues and fees of organizations of which the
4 State or its officers and employees are members,
5 including the National Association of Governors,
6 the National Association of State and County
7 Governments, and the Multi-State Tax Commission;

8 (F) For deposit, investment, or safekeeping,
9 including expenses related to their deposit,
10 investment, or safekeeping;

11 (G) To governmental bodies of the State;

12 (H) As loans, under loan programs administered by a
13 governmental body; and

14 (I) For contracts awarded in accordance with chapter
15 103F;

16 (3) To procure goods, services, or construction from a
17 governmental body other than the University of Hawaii
18 bookstores, from the federal government, or from
19 another state or its political subdivision;

20 (4) To procure the following goods or services which are
21 available from multiple sources but for which

1 procurement by competitive means is either not
2 practicable or not advantageous to the State:

3 (A) Services of expert witnesses for potential and
4 actual litigation of legal matters involving the
5 State, its agencies, and its officers and
6 employees, including administrative quasi-
7 judicial proceedings;

8 (B) Works of art for museum or public display;

9 (C) Research and reference materials including books,
10 maps, periodicals, and pamphlets, which are
11 published in print, video, audio, magnetic, or
12 electronic form;

13 (D) Meats and foodstuffs for the Kalaupapa
14 settlement;

15 (E) Opponents for athletic contests;

16 (F) Utility services whose rates or prices are fixed
17 by regulatory processes or agencies;

18 (G) Performances, including entertainment, speeches,
19 and cultural and artistic presentations;

20 (H) Goods [~~and services~~] for commercial resale by the
21 State;

1 (I) Services of printers, rating agencies, support
2 facilities, fiscal and paying agents, and
3 registrars for the issuance and sale of the
4 State's or counties' bonds;

5 (J) Services of attorneys employed or retained to
6 advise, represent, or provide any other legal
7 service to the State or any of its agencies, on
8 matters arising under laws of another state or
9 foreign country, or in an action brought in
10 another state, federal, or foreign jurisdiction,
11 when substantially all legal services are
12 expected to be performed outside this State;

13 (K) Financing agreements under chapter 37D; and

14 (L) Any other goods or services which the policy
15 board determines by rules or the chief
16 procurement officer determines in writing [~~is~~]
17 are available from multiple sources but for which
18 procurement by competitive means is either not
19 practicable or not advantageous to the State;

20 (5) Which are specific procurements expressly exempt from
21 any or all of the requirements of this chapter by:

(A) References in state or federal law to provisions of this chapter or a section of this chapter, or references to a particular requirement of this chapter; and

(B) Trade agreements, including the Uruguay Round General Agreement on Tariffs and Trade (GATT) which require certain non-construction and non-software development procurements by the comptroller to be conducted in accordance with its terms; and

(6) With a bidder or offeror who is a United States General Services Administration-approved sole source vendor, who shall be exempt from complying with section 103D-302, 103D-303, or 103D-304, as applicable, in any procurement funded by state and federal matching funds, if the bidder or offeror was responsible for obtaining and was the recipient of the federal funds."

SECTION 4. Section 103D-103, Hawaii Revised Statutes, is amended to read as follows:

"[§]103D-103[§] Retention of written determinations.

Written determinations required by this chapter shall be

SB2062 SD1.DOC

SB2062 SD1.DOC

SB2062 SD1.DOC

1 retained in the appropriate official files of the chief
2 procurement officer or in the case of delegated authority, in
3 the files of [~~that purchasing agency.~~] the procurement officer."

4 SECTION 5. Section 103D-104, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By adding two new definitions to be appropriately
7 inserted and to read:

8 "Executive management" means any person who is an owner,
9 general partner, limited partner, or officer of a contractor or
10 subcontractor.

11 "Subcontractor" means any person who enters into an
12 agreement with the contractor to perform a portion of the work
13 for the contractor."

14 2. By amending the definitions of "contractor" and
15 "procurement officer" to read:

16 "Contractor" means any [~~person having~~] individual,
17 partnership, firm, corporation, joint venture, or other legal
18 entity who is or seeks to be a party to a contract with a
19 governmental body[~~-~~] to undertake the execution of the work
20 under the terms of the contract with the State, and acting
21 directly or through the contractor's agents or employees.

1 "Procurement officer" means ~~[any]~~ a person ~~[authorized]~~
2 delegated in writing the authority to enter into and administer
3 contracts and make written determinations with respect thereto.
4 The term also includes an authorized representative acting
5 within the limits of authority."

6 3. By deleting the definition of "purchasing agency".

7 ~~["Purchasing agency" means any governmental body which is~~
8 ~~authorized by this chapter or its implementing rules and~~
9 ~~procedures, or by way of delegation, to enter into contracts for~~
10 ~~the procurement of goods, services, or construction."]~~

11 SECTION 6. Section 103D-110, Hawaii Revised Statutes, is
12 amended by amending subsections (c), (d), and (e) to read as
13 follows:

14 "(c) Each ~~[state]~~ procurement officer of a department of
15 the executive branch shall attend a mandatory fundamental
16 training and development session within sixty days of being
17 appointed or named to the position of procurement officer.

18 (d) Each ~~[state]~~ procurement officer of a department of
19 the executive branch whom the state procurement office
20 determines is in need of further training and development based
21 upon:

(1) The history of procurement compliance to this chapter by the agency to which the particular procurement officer is attached; or

(2) Any other need for training and development, shall attend follow-up training and development sessions.

(e) Attendance by ~~[state]~~ procurement officers at the follow-up training and development sessions, other than as required under subsection (d), and by county procurement ~~[officials]~~ officers at the fundamental and follow-up training and development sessions is optional, though encouraged."

SECTION 7. Section 103D-207, Hawaii Revised Statutes, is amended to read as follows:

"[+]§103D-207[+] Centralization of procurement authority.

Except as otherwise provided in ~~[sections]~~ section 103D-208, ~~[103D-209, and 103D-210,]~~ all rights, powers, duties, and authority relating to the procurement of goods, services, and construction, and the management, control, warehousing, sale, and disposal of goods, services, and construction now vested in, or exercised by, the governmental bodies of the State and counties are hereby transferred to the respective chief procurement officers."

SECTION 8. Section 103D-301, Hawaii Revised Statutes, is amended to read as follows:

"[+]§103D-301[+] Methods of source selection. ~~[Unless otherwise authorized by law, all contracts shall be awarded by competitive sealed bidding pursuant to section 103D-302, except]~~
Contracts shall be awarded as provided in:

(1) Section 103D-302 (Competitive sealed bidding);

~~[+1+]~~ (2) Section 103D-303 (Competitive sealed proposals);

~~[+2+]~~ (3) Section 103D-304 ([Professional] Procurement of professional services [procurement]);

~~[+3+]~~ (4) Section 103D-305 (Small purchases; prohibition against parceling);

~~[+4+]~~ (5) Section 103D-306 (Sole source procurement); and

~~[+5+]~~ (6) Section 103D-307 (Emergency procurements)."

SECTION 9. Section 103D-302, Hawaii Revised Statutes, is amended to read as follows:

"§103D-302 Competitive sealed bidding. (a) ~~[Contracts shall be awarded by competitive sealed bidding except as otherwise provided in section 103D-301.] Awards [of contracts by competitive sealed bidding]~~ may be made after single or multi-step bidding. Competitive sealed bidding does not include negotiations with bidders after the receipt and opening of bids.

1 Award is based on the criteria set forth in the invitation for
2 bids.

3 (b) An invitation for bids shall be issued[~~7~~] and shall
4 include a purchase description and all contractual terms and
5 conditions applicable to the procurement. If the invitation for
6 bids is for construction, it shall specify that all bids include
7 the name of each person or firm to be engaged by the bidder as a
8 joint contractor or subcontractor in the performance of the
9 contract and the nature and scope of the work to be performed by
10 each. Construction bids that do not comply with this
11 requirement may be accepted if acceptance is in the best
12 interest of the State and the value of the work to be performed
13 by the joint contractor or subcontractor is equal to or less
14 than one per cent of the total bid amount.

15 (c) Adequate public notice of the invitation for bids
16 shall be given a reasonable time before the due date set forth
17 in the invitation for [~~the opening of~~] bids. The policy board
18 shall adopt rules which specify:

19 (1) The form that the notice is to take;

20 (2) [~~What constitutes a reasonable interim~~] The minimum
21 period between [~~publication~~] notice and bid [~~opening~~]
22 due date; and

1 (3) How notice may be ~~[published,]~~ provided, including
2 publication in a newspaper of general circulation,
3 notice by mail to all persons on any applicable
4 bidders mailing list, ~~[publication]~~ notice by any
5 public or private telecommunication information
6 network, or any other method of ~~[publication]~~ notice
7 it deems to be effective.

8 (d) ~~[Bids]~~ Except for invitation for bids conducted on an
9 electronic procurement system, bids shall be opened publicly in
10 the presence of one or more witnesses, at the time and place
11 designated in the invitation for bids. The amount of each bid
12 and other relevant information specified by rule, together with
13 the name of each bidder shall be recorded~~[. The record and each~~
14 ~~bid]~~, shall be open to public inspection[-], and shall be
15 subject to written public comment submitted to the chief
16 procurement officer. Bid results for procurements conducted on
17 an electronic procurement system shall be available on the
18 system.

19 (e) When a written public comment presents a credible
20 allegation of a fact that, if true, would render the bid
21 nonresponsive or ineligible under sections 103D-A through
22 103D-C, the chief procurement officer shall audit the books and

1 records of the bidder that submitted the bid for the purpose of
2 determining the truth or falsity of that allegation. If, after
3 reasonable notice to the bidder and reasonable opportunity to be
4 heard, the chief procurement officer, after consultation with
5 the using agency and the attorney general or corporation
6 counsel, as applicable, finds that the bid is nonresponsive or
7 ineligible under sections 103D-A through 103D-C, the bidder
8 shall be subject to penalties under section 103D-106 and section
9 103D-D.

10 ~~[(e)]~~ (f) Bids shall be unconditionally accepted without
11 alteration or correction, except as authorized in this chapter
12 or by rules adopted by the policy board.

13 ~~[(f)]~~ (g) Bids shall be evaluated based on the
14 requirements set forth in the invitation for bids. These
15 requirements may include criteria to determine acceptability
16 such as inspection, testing, quality, workmanship, delivery, and
17 suitability for a particular purpose. Those criteria that will
18 affect the bid price and be considered in evaluation for award
19 shall be stated in the invitation for bid and be objectively
20 measurable, such as discounts, transportation costs, and total
21 or life cycle costs. The invitation for bids shall ~~[set forth~~
22 ~~the evaluation criteria to be used.]~~ incorporate by reference

1 the requirements of sections 103D-A through 103D-C. No criteria
2 ~~[may]~~ that are not set forth in the invitation for bids shall be
3 used in bid evaluation ~~[that are not set forth in the invitation~~
4 ~~for bids]~~.

5 ~~[(g)]~~ (h) Correction or withdrawal of inadvertently
6 erroneous bids before or after award, or cancellation of
7 invitations for bids, awards, or contracts based on such bid
8 mistakes, shall be permitted in accordance with rules adopted by
9 the policy board. After bid ~~[opening]~~ due date, no changes in
10 bid prices or other provisions of bids prejudicial to the
11 interest of the public or to fair competition shall be
12 permitted. Except as otherwise provided by rule, all decisions
13 to permit the correction or withdrawal of bids, or to cancel
14 awards or contracts based on bid mistakes, shall be supported by
15 a written determination made by the chief procurement officer or
16 ~~[head of a purchasing agency.]~~ procurement officer.

17 ~~[(h)]~~ (i) The contract shall be awarded with reasonable
18 promptness by written notice to the lowest responsible and
19 responsive bidder whose bid meets the requirements and criteria
20 set forth in the invitation for bids. In the event that all
21 bids exceed available funds as certified by the appropriate
22 fiscal officer, the head of the purchasing agency responsible

1 for the procurement in question is authorized, in situations
2 where time or economic considerations preclude resolicitation of
3 work of a reduced scope, to negotiate an adjustment of the bid
4 price, including changes in the bid requirements, with the low
5 responsible and responsive bidder[7] in order to bring the bid
6 within the amount of available funds.

7 [4] (j) When it is not practicable to initially prepare
8 a purchase description to support an award based on price, an
9 invitation for bids[7, which] may be used that requests the
10 submission of unpriced offers to be followed by an invitation
11 for bids limited to those bidders whose offers have been
12 qualified under the criteria set forth in the first
13 solicitation[7, may be used]. If a multi-step sealed bidding
14 process is used, the notice and the invitation for bids shall
15 describe each step to be used in soliciting, evaluating, and
16 selecting unpriced offers."

17 SECTION 10. Section 103D-303, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§103D-303 Competitive sealed proposals.** (a) Competitive
20 sealed proposals may be utilized to procure goods, services, or
21 construction [~~designated in rules adopted by the procurement~~
22 ~~policy board as goods, services, or construction which~~] that are

SB2062 SD1.DOC

SB2062 SD1.DOC

SB2062 SD1.DOC

1 ~~[either] not practicable or not advantageous to the State to~~
2 ~~procure by competitive sealed bidding. [Competitive sealed~~
3 ~~proposals may also be utilized when the head of a purchasing~~
4 ~~agency determines in writing that the use of competitive sealed~~
5 ~~bidding is either not practicable or not advantageous to the~~
6 ~~State.]~~

7 (b) Proposals shall be solicited through a request for
8 proposals.

9 (c) Notice of the request for proposals shall be given in
10 the same manner as provided in section 103D-302(c).

11 (d) Proposals shall be opened so as to avoid disclosure of
12 contents to competing offerors during the evaluation process ~~[of~~
13 ~~negotiation]~~. A register of proposals shall be prepared ~~[in~~
14 ~~accordance with rules adopted by the policy board and shall]~~, be
15 open for public inspection after contract award~~[.]~~, and be
16 subject to written public comment submitted to the chief
17 procurement officer.

18 (e) When a written public comment presents a credible
19 allegation of a fact that, if true, would render the proposal
20 nonresponsive or ineligible under sections 103D-A through
21 103D-C, the chief procurement officer shall audit the books and
22 records of the offeror that submitted the proposal for the

1 purpose of determining the truth or falsity of that allegation.
2 If, after reasonable notice to the offeror and reasonable
3 opportunity to be heard, the chief procurement officer, after
4 consultation with the using agency and the attorney general or
5 corporation counsel, as applicable, finds that the proposal is
6 nonresponsive or ineligible under sections 103D-A through
7 103D-C, the offeror shall be subject to penalties under section
8 103D-106 and section 103D-D.

9 ~~[(e)]~~ (f) The request for proposals shall state the
10 relative importance of price and other evaluation factors~~[-]~~ and
11 shall incorporate by reference the requirements of sections
12 103D-A through 103D-C.

13 ~~[(f)]~~ (g) Discussions may be conducted with responsible
14 offerors who submit proposals determined to be reasonably
15 susceptible of being selected for award for the purpose of
16 clarification to assure full understanding of~~[-]~~ and
17 responsiveness to~~[-]~~ the solicitation requirements. Offerors
18 shall be accorded fair and equal treatment with respect to any
19 opportunity for discussion and revision of proposals, and
20 revisions may be permitted after submissions and prior to award
21 for the purpose of obtaining best and final offers. In
22 conducting discussions, there shall be no disclosure of any

1 information derived from proposals submitted by competing
2 offerors.

3 ~~[(g)]~~ (h) Award shall be made to the responsible offeror
4 whose proposal is determined in writing to be the most
5 advantageous, taking into consideration price and the evaluation
6 factors set forth in the request for proposals. No other
7 factors or criteria shall be used in the evaluation. The
8 contract file shall contain the basis on which the award is
9 made.

10 ~~[(h)]~~ (i) In cases of awards made under this section,
11 nonselected offerors may submit a written request for debriefing
12 to the ~~[chief]~~ procurement officer ~~[or designee]~~ within three
13 working days after the posting of the award of the contract.
14 Thereafter, the ~~[head of the purchasing agency]~~ procurement
15 officer shall provide the ~~[requester]~~ nonselected offeror a
16 prompt debriefing ~~[in accordance with rules adopted by the~~
17 ~~policy board]~~. Any protest by the ~~[requester]~~ nonselected
18 offeror pursuant to section 103D-701 following debriefing shall
19 be filed in writing with the ~~[chief]~~ procurement officer ~~[or~~
20 ~~designee]~~ within five working days after the date that the
21 debriefing is completed."

SECTION 11. Section 103D-303.5, Hawaii Revised Statutes, is amended to read as follows:

"~~[§]§103D-303.5[§]~~ **Pre-bid conference.** ~~[(a) At]~~ For a construction or design-build project, at least fifteen days prior to submission of bids pursuant to section 103D-302 ~~[for a construction or design-build project with a total estimated contract value of \$500,000 or more, and at least fifteen days]~~ and prior to submission of proposals pursuant to section 103D-303 ~~[for a construction or design-build project with a total estimated contract value of \$100,000 or more, the head of the purchasing agency shall hold]~~ the procurement officer may conduct a pre-bid conference ~~[and shall invite]~~ for all potential interested bidders, offerors, subcontractors, and union representatives to attend.

~~[(b) The procurement policy board shall adopt rules under chapter 91 to effectuate this section.]"~~

SECTION 12. Section 103D-305, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

"(b) Procurements of greater than \$50,000 for construction under subsection (a) shall require security by a performance bond delivered to the ~~[purchasing agency]~~ procurement officer that is:

SB2062 SD1.DOC

SB2062 SD1.DOC

SB2062 SD1.DOC

- 1 (1) In a form prescribed by the rules of the policy board;
2 (2) Executed by a surety company authorized to do business
3 in this State; and
4 (3) In an amount equal to one hundred per cent of the
5 price specified in the contract,
6 or shall otherwise be secured by a performance bond in
7 a manner satisfactory to the ~~[purchasing agency.]~~
8 procurement officer.

9 (c) Procurements of \$25,000 to less than \$100,000 shall be
10 made in accordance with small purchase procedures; provided that
11 small purchase procurements through an electronic system shall
12 be required ~~[after the policy board has adopted rules for~~
13 ~~electronic procurement and provided training to the affected~~
14 ~~agency]."~~

15 SECTION 13. Section 103D-312, Hawaii Revised Statutes, is
16 amended by amending subsections (a) and (b) to read as follows:

17 "(a) ~~[A contractor, except as provided in subsection (c),~~
18 ~~shall submit cost or pricing data and shall certify that, to the~~
19 ~~best of the contractor's knowledge and belief, the cost or~~
20 ~~pricing data submitted is accurate, complete, and current as of~~
21 ~~a mutually determined specified date prior to the date of:~~

~~(1) The pricing of any contract awarded by competitive sealed proposals or pursuant to the sole source procurement authority, where the total contract amount is expected to exceed an amount established by rules adopted by the policy board; or~~

~~(2) The pricing of any change order or contract modification that is expected to exceed an amount established by rules adopted by the policy board.]~~

The procurement officer may request data or factual information reasonably available to the offeror to substantiate that the price offered is reasonable. Submission of data is limited to that normally kept by the offeror and shall not require extensive effort to gather data not reasonably available.

(b) Any contract, change order, or contract modification ~~[under which a certificate is required]~~ shall contain a provision that the price to the State, including profit or fee, shall be adjusted to exclude any significant sums by which the State finds that the price was increased because the contractor furnished cost or pricing data that was inaccurate, incomplete, or not current as of the date agreed upon between the parties."

SECTION 14. Section 103D-313, Hawaii Revised Statutes, is amended to read as follows:

SB2062 SD1.DOC
SB2062 SD1.DOC
SB2062 SD1.DOC

1 "[+]§103D-313[+] **Types of contracts.** (a) Subject to the
2 limitations of this section, any type of contract that will
3 promote the State's best interests may be used.

4 (b) Cost-reimbursement and cost-plus-a-percentage-of-cost
5 contracts may be used only when the chief procurement officer
6 determines in writing that such a contract is likely to be less
7 costly than any other type of contract or that it is
8 impracticable to obtain the goods, services, or construction
9 required except by means of such a contract. Cost-reimbursement
10 and cost-plus-a-percentage-of-cost contracts shall not be used
11 if their use would jeopardize the receipt of federal assistance
12 moneys or reduce the amount of such assistance under any
13 applicable federal statute or regulation.

14 ~~[(c) In addition to the requirements of subsections (a)~~
15 ~~and (b), a cost plus a percentage of cost contract may not be~~
16 ~~awarded unless:~~

17 ~~(1) Notice is given to the head of the compliance audit~~
18 ~~unit, president of the senate, speaker of the house of~~
19 ~~representatives, and the chairpersons of the senate~~
20 ~~ways and means and house finance committees; and~~

21 ~~(2) Notice is conspicuously posted in an area accessible~~
22 ~~to the public in the office of the chief procurement~~

1 ~~officer and available for public inspection during~~
2 ~~normal business hours.~~

3 ~~(d) The policy board shall adopt rules to implement this~~
4 ~~section.] "~~

5 SECTION 15. Section 103D-314, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "~~[§]103D-314[§]~~ **Approval of accounting system.** Except
8 with respect to firm fixed-price contracts, no contract shall be
9 used unless it has been determined in writing by the chief
10 procurement officer, ~~[the head of a purchasing agency]~~
11 procurement officer, or a designee of either officer that:

12 (1) The proposed contractor's accounting system will
13 permit timely development of all necessary cost data
14 in the form required by the specific contract type
15 contemplated; and

16 (2) The proposed contractor's accounting system is
17 adequate to allocate costs in accordance with
18 generally accepted accounting principles."

19 SECTION 16. Section 103D-316, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "~~[§]103D-316[§]~~ **Right to inspect plant.** The ~~[State,~~
22 procurement officer, at reasonable times, may inspect the part

1 of the plant or place of business of a contractor or any
2 subcontractor that is related to the performance of a contract
3 awarded or to be awarded by the State."

4 SECTION 17. Section 103D-317, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[~~§~~103D-317~~§~~] **Right to audit records.** (a) The
7 [~~purchasing agency,~~] procurement officer, at reasonable times
8 and places, may audit the books and records of any person who
9 has submitted cost or pricing data pursuant to section 103D-312
10 to the extent that such books and records relate to such cost or
11 pricing data. Any person who receives a contract, change order,
12 or contract modification for which cost or pricing data is
13 required, shall maintain such books and records that relate to
14 such cost or pricing data for three years from the date of final
15 payment under the contract, unless another period is otherwise
16 authorized in writing.

17 (b) The [~~purchasing agency~~] procurement officer shall be
18 entitled to audit the books and records of a contractor or any
19 subcontractor under any negotiated contract or subcontract other
20 than a fixed-price contract to the extent that such books and
21 records relate to the performance of such contract or
22 subcontract. The books and records shall be maintained by the

1 contractor for a period of three years from the date of final
2 payment under the prime contract and by the subcontractor for a
3 period of three years from the date of final payment under the
4 subcontract, unless another period is otherwise authorized in
5 writing."

6 SECTION 18. Section 103D-320, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[~~+~~]**\$103D-320**[~~+~~] **Retention of procurement records.** All
9 procurement records shall be retained and disposed of in
10 accordance with chapter 94 and records retention guidelines and
11 schedules approved by the comptroller[~~-~~] or similar authority of
12 procuring governmental bodies not subject to the record
13 retention jurisdiction of the comptroller."

14 SECTION 19. Section 103D-323, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) Unless the policy board determines otherwise by
17 rules, bid security shall be required [~~only~~] for construction
18 contracts to be awarded pursuant to sections 103D-302 and 103D-
19 303 and when the price of the contract is estimated [~~by the~~
20 ~~procurement officer~~] to exceed [~~\$25,000~~] \$50,000 or, if the
21 contract is for goods or services, the [~~purchasing agency~~
22 ~~secures the approval of the chief~~] procurement officer[~~-~~]

1 includes a requirement for bid security in the solicitation.
2 Bid security shall be a bond provided by a surety company
3 authorized to do business in the State, or the equivalent in
4 cash, or ~~[otherwise supplied]~~ in a form ~~[specified in rules.]~~
5 pursuant to section 103D-325."

6 SECTION 20. Section 103D-324, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) Unless the policy board determines otherwise by
9 rules, the following bonds or security shall be delivered to the
10 ~~[purchasing agency]~~ procurement officer and shall become binding
11 on the parties upon ~~[the]~~ execution of the contract if the
12 contract which is awarded exceeds ~~[\$25,000]~~ \$50,000 and is for
13 construction, or if the ~~[purchasing agency secures the approval~~
14 ~~of the chief]~~ procurement officer~~[÷]~~ includes a requirement for
15 such bonds or security in the solicitation:

16 (1) A performance bond in a form ~~[prescribed by the rules~~
17 ~~of the policy board,]~~ pursuant to section 103D-325,
18 executed by a surety company authorized to do business
19 in this State or otherwise secured in a manner
20 satisfactory to the ~~[purchasing agency,]~~ procurement
21 officer, in an amount equal to one hundred per cent of
22 the price specified in the contract;

1 (2) A payment bond in a form [~~prescribed by the rules of~~
2 ~~the policy board,~~] pursuant to section 103D-325,
3 executed by a surety company authorized to do business
4 in this State or otherwise secured in a manner
5 satisfactory to the [~~purchasing agency,~~] procurement
6 officer, for the protection of all persons supplying
7 labor and material to the contractor for the
8 performance of the work provided for in the contract.
9 The bond shall be in an amount equal to one hundred
10 per cent of the price specified in the contract; or

11 (3) A performance and payment bond which satisfies all of
12 the requirements of paragraphs (1) and (2)."

13 SECTION 21. Section 103D-406, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "[~~§~~103D-406~~§~~] **Specifications prepared by [~~architects~~**
16 **~~and engineers,~~ persons other than governmental personnel.** The
17 requirements of this part regarding the purposes and
18 nonrestrictiveness of specifications shall apply to all
19 specifications, including, but not limited to, those prepared by
20 [~~architects, engineers, designers, and drafting~~] professionals,
21 consultants, and any other individual for public contracts."

SECTION 22. Section 103D-410, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

"(b) In implementing life-cycle costing, the [~~purchasing agency~~] procurement officer shall be guided by energy efficiency standards and policies for purchasing various items developed and promulgated by the United States Department of Energy and other federal agencies, and nationally recognized trade associations, including, but not limited to, the National Association of State Purchasing Officials, the National Institute of Governmental Purchasing, Inc., the National Association of Purchasing Management, and the Air Conditioning and Refrigeration Institute. The [~~purchasing agency~~] procurement officer shall notify bidders of information, procedures, and forms required in implementing energy efficiency standards and policies. The information required shall include purchasing standards and policies developed by federal agencies and by nationally recognized agencies and associations, as well as energy consumption and life-cycle cost data.

(c) The [~~purchasing agency~~] procurement officer shall consider purchasing via the life-cycle costing method those classes of items for which nationally recognized energy efficiency data have been developed. These items shall include,

SB2062 SD1.DOC

SB2062 SD1.DOC

SB2062 SD1.DOC

1 but not be limited to, automobiles and air conditioning systems.
2 The watt-saving variety of common-sized fluorescent lamps shall
3 be purchased except where standard wattage of those lamps is
4 specifically required by the using agency."

5 SECTION 23. Section 103D-701, Hawaii Revised Statutes, is
6 amended by amending subsection (f) to read as follows:

7 "(f) [~~In the event of~~] If a timely protest under
8 subsection (a) [~~7~~] occurs, no further action shall be taken on
9 the solicitation or the award of the contract until the chief
10 procurement officer makes a written determination that the award
11 of the contract without delay is necessary to protect
12 substantial interests of the State. Notwithstanding section
13 103D-709 and any law to the contrary, a decision under this
14 subsection shall be final, conclusive, and not subject to
15 appeal."

16 SECTION 24. Section 103D-709, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) The several hearings officers appointed by the
19 director of the department of commerce and consumer affairs
20 pursuant to section 26-9(f) shall have jurisdiction to review
21 and determine de novo, any request from any bidder, offeror,
22 contractor, person aggrieved under section 103D-106, or

1 governmental body aggrieved by a determination of the chief
2 procurement officer, [~~head of a purchasing agency~~] procurement
3 officer, or a designee of either officer under section 103D-310,
4 103D-701, or 103D-702."

5 SECTION 25. Section 103D-710, Hawaii Revised Statutes, is
6 amended by amending subsection (e) to read as follows:

7 "(e) No later than thirty days from the filing of the
8 application for judicial review, based upon review of the record
9 the circuit court may affirm the decision of the hearings
10 officer issued pursuant to section 103D-709 or remand the case
11 with instructions for further proceedings; or it may reverse or
12 modify the decision and order if substantial rights may have
13 been prejudiced because the administrative findings,
14 conclusions, decisions, or orders are:

- 15 (1) In violation of constitutional or statutory
16 provisions;
- 17 (2) In excess of the statutory authority or jurisdiction
18 of the chief procurement officer or [~~head of the~~
19 ~~purchasing agency~~] procurement officer;
- 20 (3) Made upon unlawful procedure;
- 21 (4) Affected by other error of law;

1 (5) Clearly erroneous in view of the reliable, probative,
2 and substantial evidence on the whole record; or

3 (6) Arbitrary, or capricious, or characterized by abuse of
4 discretion or clearly unwarranted exercise of
5 discretion;

6 provided that if an application for judicial review is not
7 resolved by the thirtieth day from the filing of the
8 application, the court shall lose jurisdiction and the decision
9 of the hearings officer shall not be disturbed. All time
10 limitations on actions, as provided for in section 103D-712,
11 shall remain in effect."

12 SECTION 26. Section 103D-1001, Hawaii Revised Statutes, is
13 amended by deleting the definitions of "Hawaii software
14 development business" and "software development".

15 [~~"Hawaii software development business" means any person,~~
16 ~~agency, corporation, or other business entity with its principal~~
17 ~~place of business or ancillary headquarters located in the State~~
18 ~~and that proposes to obtain eighty per cent of the labor for~~
19 ~~software development from persons domiciled in Hawaii.~~

20 ~~"Software development" means any work related to~~
21 ~~feasibility studies, system requirements analysis, system design~~
22 ~~alternatives analysis, system external specifications, system~~

SB2062 SD1.DOC

SB2062 SD1.DOC

SB2062 SD1.DOC

1 ~~internal specifications, programming, testing, debugging, or~~
2 ~~implementation for an electronic data processing system."]~~

3 SECTION 27. Section 103D-1002, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By amending subsection (a) to read:

6 "(a) A [~~purchasing agency~~] procurement officer shall
7 review all specifications in a bid or proposal for purchase of
8 Hawaii products where these products are available."

9 2. By amending subsection (j) to read:

10 "(j) Any purchase made or any contract awarded or executed
11 in violation of this section shall be void and no payment shall
12 be made by any [~~purchasing agency~~] procurement officer on
13 account of the purchase or contract."

14 SECTION 28. Section 103D-1005, Hawaii Revised Statutes, is
15 amended as follows:

16 1. By amending subsections (a) and (b) to read:

17 "(a) To encourage the use of recycled products, contracts
18 [~~shall~~] may be awarded to the lowest responsible and responsive
19 bidders, with preference being given to the products containing
20 recycled material. The policy [~~board shall adopt rules in~~
21 ~~accordance with chapter 91 governing preference for recycled~~
22 ~~products. The~~] board's rules shall establish percentages of

1 preference and the method of determining the contents of
2 recycled material to qualify various products for preference.

3 (b) The state procurement office, with the assistance of
4 the office of solid waste management in the department of health
5 as provided in section 342G-42, shall develop a recycled product
6 procurement program that shall require state [~~purchasing~~
7 ~~agencies~~] procurement officers and urge county [~~purchasing~~
8 ~~agencies~~] procurement officers to:

9 (1) Apply preference to the purchase of products with
10 recycled content before purchasing products without
11 any recycled content;

12 (2) Be consistent with applicable federal specification
13 standards incorporated in Executive Order No. 12873,
14 signed by the President of the United States on
15 October 20, 1993, and any subsequent amendments to
16 that order; and

17 (3) Ensure, to the maximum extent economically feasible,
18 the purchase of materials that may be recycled or
19 reused when discarded, and to avoid the purchase of
20 products deemed environmentally harmful."

21 2. By amending subsection (e) to read:

1 "(e) When purchasing office paper and printed material,
2 state [~~purchasing agencies~~] procurement officers shall, and
3 county [~~purchasing agencies~~] procurement officers are urged to,
4 purchase only office paper and printed material with recycled
5 content, except when statutory, regulatory, or contractual
6 requirements preclude the purchase of office paper or printed
7 material with recycled contents of the same type and quantity as
8 the office paper or printed material without recycled content."

9 SECTION 29. Section 103D-1010, Hawaii Revised Statutes, is
10 amended by amending subsection (b) to read as follows:

11 "(b) The [~~purchasing agency~~] procurement officer shall:

- 12 (1) Receive and review proposals submitted by qualified
13 community rehabilitation programs to provide goods or
14 services and determine if they are suitable for
15 purchase by the procuring agency;
- 16 (2) Negotiate the conditions and terms for the purchase,
17 including the price of the offer, between the
18 procuring agency and the qualified community
19 rehabilitation program; provided that the price of the
20 offer shall not exceed the fair market price and there
21 is assurance that the qualified community

1 rehabilitation program proposal is in compliance with
2 all administrative rules related to purchasing; and
3 (3) Ensure that any goods or service purchased from a
4 qualified community rehabilitation program shall not
5 be placed on the Hawaii products list under section
6 103D-1002."

7 SECTION 30. Section 103D-1011, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "~~[+]§103D-1011[+]~~ **Qualified community rehabilitation**
10 **program; proposal to provide goods and services.** A qualified
11 community rehabilitation program shall be allowed to sell only
12 goods or services, also to include building custodial and
13 grounds maintenance services, to a governmental body. A
14 proposal shall be submitted to the ~~[purchasing agency]~~
15 procurement officer containing the following information:

16 (1) A description of the goods or service;
17 (2) The price of the goods or service; and
18 (3) Documents and information necessary to qualify as a
19 qualified community rehabilitation program under
20 section 103D-1001."

21 SECTION 31. Section 103D-209, Hawaii Revised Statutes, is
22 repealed.

1 ~~["§103D-209 Authority to contract for certain services.~~

2 ~~Except as provided in section 28-8.3 with respect to agencies of~~
3 ~~the State of Hawaii, any governmental body of this State may act~~
4 ~~as a purchasing agency and contract on its own behalf for~~
5 ~~professional services subject to this chapter and rules adopted~~
6 ~~by the policy board. The purchasing agency may consult with the~~
7 ~~chief procurement officer or the officer's designee when~~
8 ~~procuring these services."]~~

9 SECTION 32. Section 103D-403, Hawaii Revised Statutes, is
10 repealed.

11 ~~["§103D-403 Exempted items. Specifications for goods,~~
12 ~~services, or construction items procured under section 103D-209,~~
13 ~~or those exempted pursuant to section 103D-210, may be prepared~~
14 ~~by a purchasing agency in accordance with this chapter and rules~~
15 ~~adopted hereunder."]~~

16 SECTION 33. Section 103D-1003, Hawaii Revised Statutes, is
17 repealed.

18 ~~["§103D-1003 Printing, binding, and stationery work. (a)~~
19 ~~All bids submitted for a printing, binding, or stationery~~
20 ~~section 103D-302 contract in which all work will be performed~~
21 ~~in-state, including all preparatory work, presswork, bindery~~
22 ~~work, and any other production-related work, to include storage~~

SB2062 SD1.DOC

SB2062 SD1.DOC

SB2062 SD1.DOC

1 ~~and shipping costs, shall receive a fifteen per cent preference~~
2 ~~for purposes of bid evaluation.~~

3 ~~(b) Where bids are for work performed in state and out of~~
4 ~~state, then for the purpose of selecting the lowest bid~~
5 ~~submitted only, the amount bid for work performed out of state~~
6 ~~shall be increased by fifteen per cent. The lowest total bid,~~
7 ~~taking the preference into consideration, shall be awarded the~~
8 ~~contract unless the solicitation provides for additional award~~
9 ~~criteria. The contract amount awarded, however, shall be the~~
10 ~~amount of the price offered, exclusive of the preference."]~~

11 SECTION 34. Section 103D-1006, Hawaii Revised Statutes, is
12 repealed.

13 ~~["§103D-1006 Software development businesses. (a) In any~~
14 ~~expenditure of public funds for software development, the use of~~
15 ~~Hawaii software development businesses shall be preferred.~~
16 ~~Where a package bid or response to a request for proposal~~
17 ~~contains both Hawaii and non-Hawaii software development~~
18 ~~businesses, then for the purpose of selecting the lowest bid or~~
19 ~~purchase price only, the bid or offer by a non-Hawaii software~~
20 ~~development business shall be increased by a preference~~
21 ~~percentage pursuant to rules adopted by the policy board.~~

~~(b) This section shall not apply when precluded by federal requirements for competitive bidding."]~~

SECTION 35. The comptroller shall submit a report to the legislature no later than sixty days before the commencement of the 2011 regular session on the implementation of sections 1 and 2 of this Act. The report shall include a listing of all contracts awarded under sections 1 and 2 of this Act by the State from the effective date of the Act and progress reports for those contracts, data on total state revenues spent on contracts awarded subject to sections 1 and 2 of this Act, data on employment and wages under contracts subject to sections 1 and 2 of this Act, data on preferences awarded under section 1 of this Act, the number of challenges to bids or offers made under sections 9 and 10 of this Act and the disposition of each challenge, information on the implementation of sections 1 and 2 of this Act, and recommendations for further legislation to better effectuate the purposes of sections 1 and 2 of this Act.

SECTION 36. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

1 SECTION 37. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 38. This Act shall take effect on January 1, 2010;
4 provided that:

5 (1) Sections 1 and 2 shall take effect on January 1, 2011;

6 (2) Amendments made to sections 103D-102(b) and 103D-305,
7 Hawaii Revised Statutes, by this Act shall not be
8 repealed when sections 103D-102 and 103D-305, Hawaii
9 Revised Statutes, are reenacted pursuant to section
10 14(1) of Act 175, Session Laws of Hawaii 2009; and

11 (3) Amendments made to section 103D-710, Hawaii Revised
12 Statutes, by this Act shall not be repealed when
13 section 103D-710, Hawaii Revised Statutes, is
14 reenacted pursuant to section 14(2) of Act 175,
15 Session Laws of Hawaii 2009.

Report Title:

Government Procurement; Streamline; Responsible Contractors

Description:

Establishes a responsible construction contractor law which specifies prerequisites for government construction contractors and subcontractors. Amends various sections of the Hawaii Public Procurement Code, chapter 103D, HRS, to simplify and streamline procurement processes. Establishes procurement preferences for public works contracts. Allows public comments on the public procurement process. Requires the comptroller to report to the legislature on the implementation of the responsible construction contractor provisions. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.